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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/434,803 11/05/99 AMRO

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EXAMINER

TM02/0730

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PATEL, N

ART UNIT

PAPER NUMBER

2673

DATE MAILED:

07/30/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/434,803

Applicant(s)

AMRO ET AL.

Examiner

Nitin Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 November 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claim 1-5, 7, 9-14 is rejected under 35 U.S.C. 102(e) as being anticipated by Brusky et al., (U.S. Patent No. 5,903,259).

As per claim 1, Brusky teaches a wireless computer peripheral input device (In Fig.2 element 38 and In Col.5 lines 1-5 and In abstract) for use with a data processing (In fig.2 element 26 and In col.4 lines 47-67), the input device comprising:

a wireless transmitter for transmitting signals (In Col.5 lines 4-5);

a selector for selecting for selecting a one of a plurality of data processing systems (In Col.8 lines 5-9) with which to operate wherein invoking

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the selector causes a signal (In Col.7 lines 47-57)to be transmitted from the wireless transmitter :

As per claims 2,3,11,12 Brusky teaches the input device are a keyboard and a computer mouse (In Col.4 lines 9-15).

As per claim 4, Brusky teaches the wireless transmitter is an infra-red transmitter (In Col.5 lines 49-55).

As per claim 5, the input device wherein the wireless transmitter is a radio frequency transmitter (In Col.7 lines 65-67 to Col.8 lines1-3).

As per claim 7, Brusky teaches a computer system (In fig.3 element 72 and In Col.7 lines 10-15):

a plurality of data processing system (In Col.8 lines 5-8);

a peripheral input device (In col.7 lines 29-31); wherein the peripheral comprises a computer selector for selecting one of the plurality of data processing system (In Col.4 lines 65-66 and In fig. 2 element 36)for interaction with the peripheral input device ;

the peripheral input device a wireless transmitter for providing communication with any of the plurality of data processing systems (element 46 In fig.2 and In col.5 lines 4-5);

each of the plurality of data processing systems having a wireless receiver for receiving wireless communication from the input device (In Col. 7 lines 58-67 to Col.8 lines 1-8).

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As per claims 9,10 Brusky teaches the wireless transmitter is an infra-red transmitter ((In Col.5 lines 49-55 and In Col.6 lines 11-17) wherein selection of one of the plurality of data processing systems is dependent upon the orientation of the peripheral input device (In Col.7 lines 16-28).

As per claim 13, Brusky teaches a method for accessing a plurality of data processing systems using a wireless input device (In Col.8 lines 5-9) wherein receiving a selection of particular data processing system of the plurality of data processing systems and transmitting a signal from the wireless input device to only activate the particular data processing system; and sending data from the wireless input device to the particular data processing system after transmitting the signal to the particular system (In col.7 lines 29-34). As per claim 14, Brusky teaches the signal is a code recognized by the particular data processing system (In Col.5 lines 28-60).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6,8,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brusky et al.,(U.S. Patent No. 5,903,259) in view of Sidlauskas et al., (U.S. Patent No. 6,133,833).

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As per claims 6,8,15 Brusky teaches a wireless receiver and a transmitter to control a plurality of computer device using radio frequency (In Col.7 lines 65-67 to Col.8 lines 1-9).

Brusky does not specifically teach the selector allows selection of one of plurality of radio frequencies of each of the plurality of data processing system is different from each other which corresponding to one of the received radio frequency.

Sidlauskas teaches selection of one of plurality of radio frequencies of each of the plurality of data processing system is different from each other which corresponding to one of the received radio frequency (In abstract and In Col.2 lines 49-60 and In col.3 lines 26-33 and In Col.4 lines 6-17 and In Col.6 lines 45-65).

It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to allow teaching of Sidlauskas's plurality of different radio frequency to control different system into the system of Brusky's because it would have controlled different type plurality of devices without adding wires to the system and spaces in a working environment.

### **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 703-308-7024. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H Shalwala can be reached on 703-305-4938. The fax phone


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numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9052 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9618.

Nitin Patel  
Examiner  
Art Unit 2673

NP  
July 20, 2001

  
**KENT CHANG**  
**PRIMARY EXAMINER**